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Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

V.

D'MONIEYA DESHAUN GREEN,

Defendant.

NO. 4:23-mj-70031-MAG-1

STIPULATION AND ORDER TO CONTINUE
THE HEARING AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT AND
WAIVING TIME UNDER RULE 5.1

Stipulation

On January 19, 2023, the United States filed a criminal complaint against Mr. Green charging him with being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1) and possession of heroin with intent to distribute, in violation of 21 U.S.C. §§ (a)(1), (b)(1)(C). *United States v. Green*, Case No. 4:23-mj-70031-MAG-1.

After Mr. Green made his initial appearance, he was detained, and Ms. Kane was appointed as CJA counsel. The parties then executed a waiver of Speedy Trial Act time and of the deadlines in Rule 5.1 for preliminary hearing on a complaint through March 16, 2023. Dkt. No. 6. On March 8, 2023, the Court granted the parties' stipulation to continue the deadlines in Rule 5.1 and exclude time under the Speedy Trial Act through May 9, 2023. Dkt. No. 8. The basis for the continuance and time exclusion was the parties' discussions regarding additional drug weight testing, which has now been completed. The government shared the results of the testing on April 28, 2023. The parties are discussing a possible resolution of this matter.

For these reasons, the parties stipulate to exclude time under the Speedy Trial Act from June 13, 2023, to June 27, 2023, because the parties agree that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The parties also stipulate that the Court should grant the requested continuance and exclude time under the Speedy Trial Act because a failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Moreover, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, the parties agree there is good cause to extend the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and to extend the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusion set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Accordingly, the parties request that the Court enter the proposed order below extending the time limits for the preliminary hearing under Rule 5.1 and the 30-day time for an indictment under the

Speedy Trial Act. The parties further request that the Court set this matter for a status hearing re arraignment and preliminary hearing on June 27, 2023, at 10:30 a.m., as set forth in the proposed order below.

IT IS SO STIPULATED

Respectfully submitted,

Dated: June 12, 2023

/s/

MIRANDA KANE
Attorney for D'MONEIYA DESHAUN GREEN

Dated: June 12, 2023

/s/

JONATHAN U. LEE
Assistant United States Attorney
Attorney for the UNITED STATES OF AMERICA

ORDER

For the reasons set forth above, the Court excludes time under the Speedy Trial Act from June 13, 2023 to June 27, 2023, and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The court makes this finding and bases this continuance on the ground that failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

In addition, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, the court sets the preliminary hearing to the date set forth above, June 27, 2023, and — based on the parties' showing of good cause — finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusion set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

DATED: June 12, 2023

